

Land Use Regulation in Somerville

The "Somerville by Design" Code

Meeting #1
Zoning Advisory
Committee
January 31, 2013

Presentation Outline

- Form Follows Regulation
- History of Zoning in Somerville
- Late 20th Century Zoning Strategies
- Why Change the Code
- The "Somerville by Design' Initiative –
 Elements of a new code for Somerville

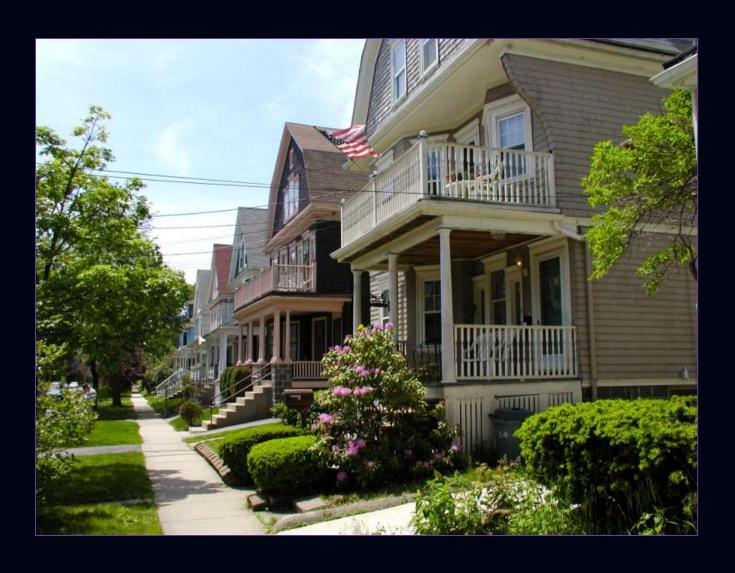










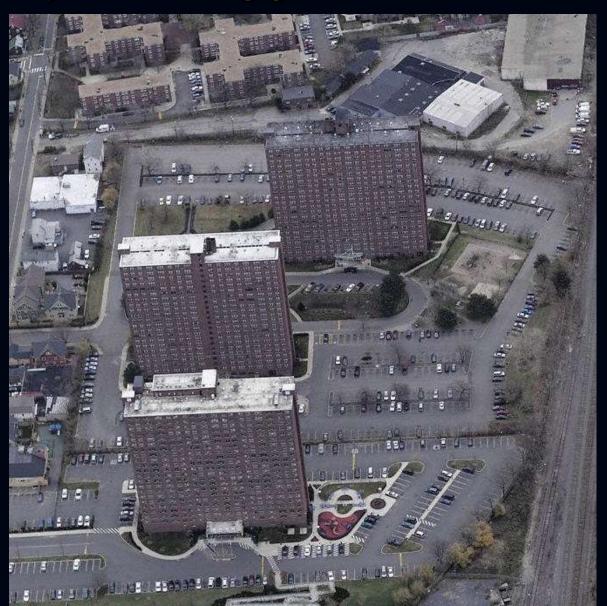


Why does zoning get us this instead?



















Why does zoning get us this instead?





History of Zoning in Somerville

BUILDING ZONE ORDINANCE

of the

City of Somerville

Massachusetts

35 Pages

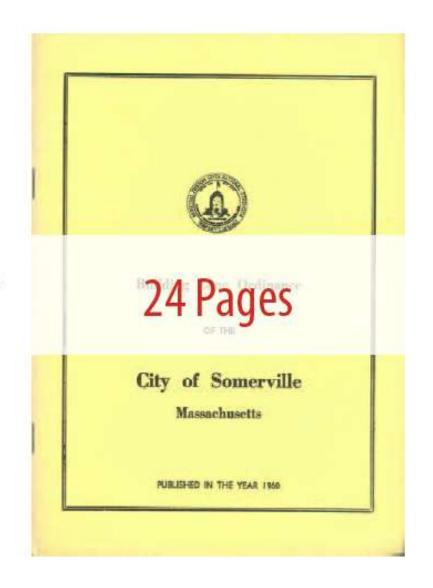


PERSON BY THE COMMUNICATION CO.

As guided by "Zoning for Tomorrow" a report written by the Somerville Planning Board on proposed amendments to the Building Zone Ordinance, the first major revision of the SZO in 35 years featured the addition of:

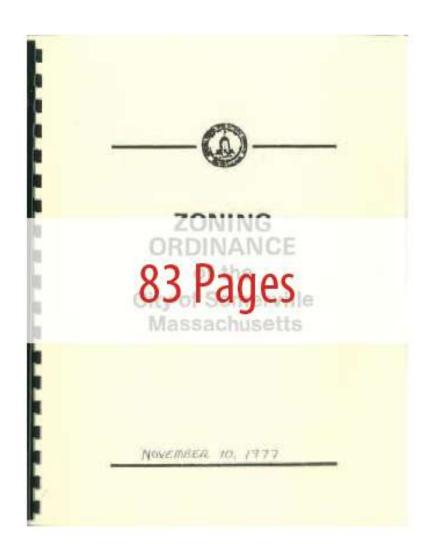
1960

- Floor Area Ratios (FAR) to control the ultimate bulk of buildings and to a limited degree population density;
- a use category to permit the conversion of existing dwellings to house additional families;
- lot area per dwelling unit requirements to limit the conversion of existing dwellings to house additional families;
- an increase of minimum side and rear setbacks and a provision to decrease rear setbacks for shallow lots; and
- the first provisions for providing offstreet parking facilities.



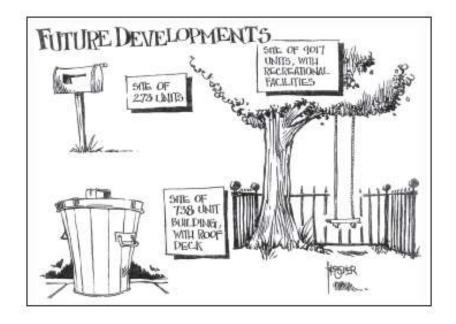
1977 A comprehensive Zoning Up-Date amended the ordinance to include:

- a three unit maximum density limit applied to the conversion of existing dwellings;
- 2. lot coverage maximums; and
- 3. landscaped area minimums.



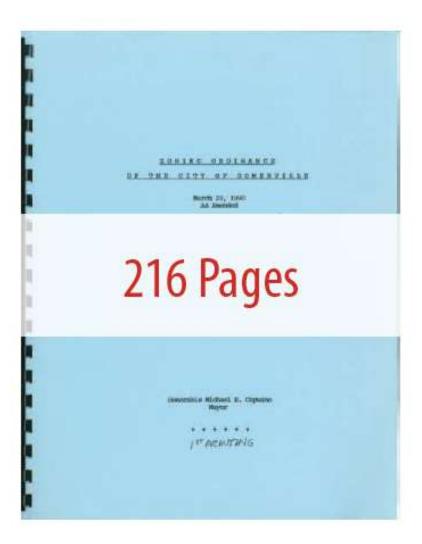
1988 Updates proposed by the Planning Board with support from outside consultants added:

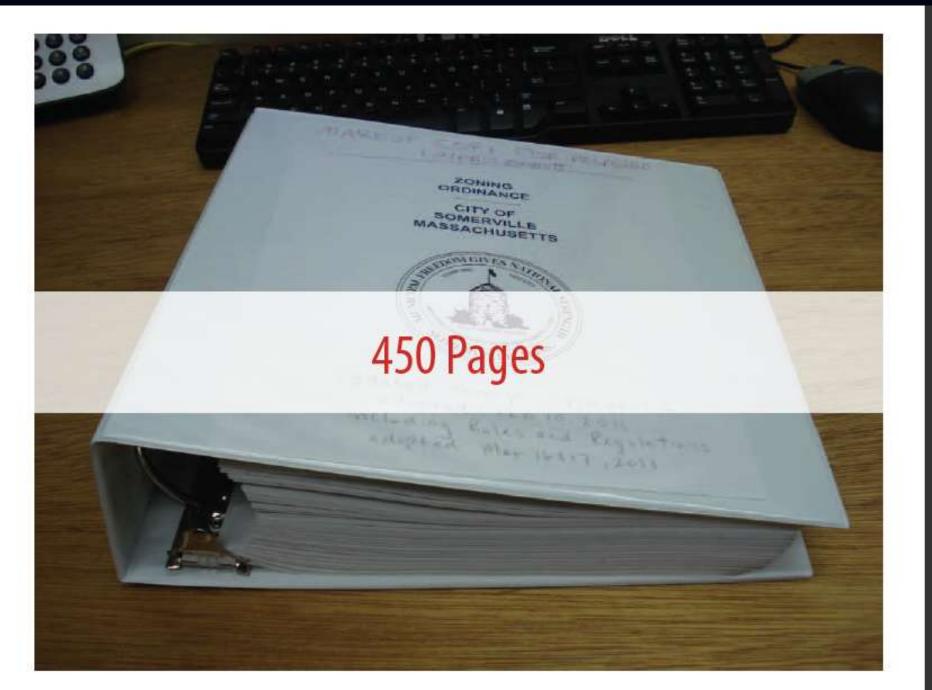
- 1. minimum lot size requirements;
- minimum lot frontage requirements; and
- the application of lot area per dwelling unit requirements for all new construction.





- 1990 A comprehensive planning and legal review of the zoning ordinance by a Zoning Review Task Force lead to the approval of an extensive rewrite of the SZO that included the addition of:
 - 1. height limits in feet;
 - limits for only one principal structure per lot by right;
 - a special permit to allow more than one principal structure per lot;
 - a maximum number of dwelling units per lot; and
 - a special permit to waive the maximum number of dwelling units per lot if a minimum percentage of affordable units were provided on-site and other dimensional standards were met.





Late 20th Century Zoning

Conventional Zoning Tools: The Benefits of Late 20th Century Zoning

- Control of changes in use
- Control of density through special permits
- Height limits to protect views and reduce shadows
- Protection of areas for heavy industry
- Establishment of adequate off-street parking
- Assurance of minimal site landscaping
- Predictable provisions for affordable housing through inclusionary zoning and linkage
- Management of subdivision that exceeds that allowed in MGL 41

Conventional Zoning Tools: The Limitations Of Late 20th Century Zoning

- Emphasis on regulation by use, without analysis of impacts
- Administration cannot balance certainty and flexibility
- System established to use 'nonconformity' review as a proxy for 'design review'
- Regulations deviate from historical building forms
- Complexity in areas where simplicity is needed
- Codes are long . . . And sorted by subject
- Difficult to build pubic support for regulatory changes because it is difficult to answer the 'what will it look like' question, because . . .
- Density regulations do not directly address form or design

Zoning Tools: Density – Regulating by Lot Area per Unit











Tampa: 15: Visualizing Density Library



Tampa: 19: Visualizing Density Library

The Limitations of Zoning in Somerville, MA

- 90+% of residential lots are non-conforming
- Current system requires review for most projects
- Code provides minimal requirements, through findings, to determine appropriate project design
- Guidelines are easy to vary
- Few large-house large-lot projects can be built by-right
- Recent addition of TOD and Corridor districts
- Other code amendments are mixed into existing code
- Too much emphasis on use

Zoning Tools: Regulation of Allowed Uses

- 19. Baths, Turkish
- 25. Boxing arena
- 28. Chinchillas, retail sales
- 41. Eleemosynary institutions
- 42. Embalming business
- 95. Physical culture institution
- 109. Potato chip manufacturing
- 127. Tombstones, retail sales
- 135. Turkish Baths

Zoning Tools: Regulation of Allowed Uses

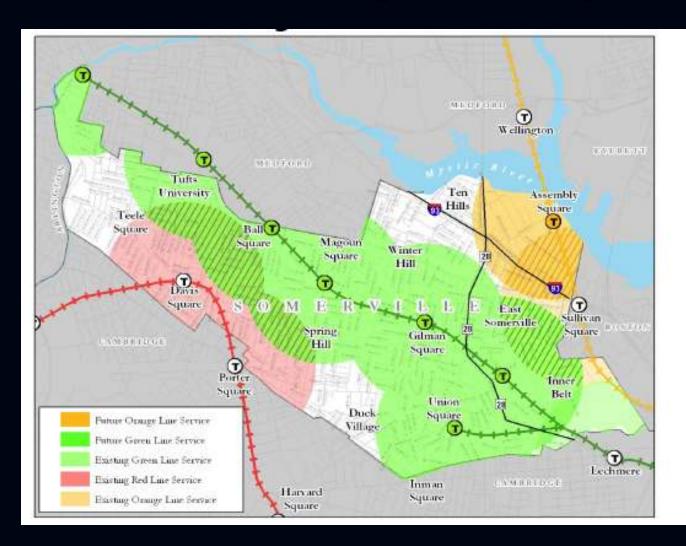
Somerville: 291 use categories:

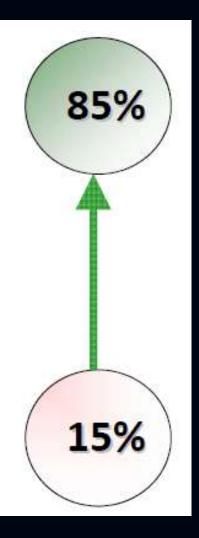
- 7.11.4.e Home Occupation (not including below)
- 7.11.4.f Office, within a primary residence, of an architect, attorney, physician or dentist
- 7.11.8.6 Photocopying or commercial printing
- 7.11.8.10 Newspaper distribution agency
- 7.11.9.5 Store selling or renting goods such as books, stationary, drugs, sporting goods including bicycles and accessories, jewelry, photographic equipment and supplies, flowers, novelties, cards, footwear, apparel, fabrics, accessories, and the like that are typically of a size a customer can carry by hand
- 7.11.9.6 Store selling or renting video tapes
- 7.11.8.8 Store selling hardware, paint, wallpaper, lawn and garden supplies
- 7.11.11 Limousine rental and minor servicing
- 7.11.11.12 Bus and taxi rental

Zoning Tools: Special Permits

- "designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the built and unbuilt surrounding areas."
- "consistent with the general purpose of this ordinance"
- "where practical, new or infill building construction should share the same orientation to the street as is common in the neighborhood"
- "will not create adverse environmental impacts"

Change is coming . . .





... And the community has prepared for it ...





SomerVision

City of Somerville, Massachusetts Comprehensive Plan | 2010-2030



Endorsed by the Somerville Board of Aldermen April 12th, 2012

Adopted by the Somerville Planning Board April 19th, 2012 Somerville: an Exceptional Place to Live, Work, Play, and Raise a Family



30,000 New Jobs as part of a responsible plan to create opportunity for all Somerville workers and entrepreneurs



125 New Acres of Publicly-Accessible Open Space
as part of our realistic plan to provide high-quality and well-programmed community spaces



6,000 New Housing Units - 1,200 Permanently Affordable as part of a sensitive plan to attract and retain Somerville's best asset: its people.

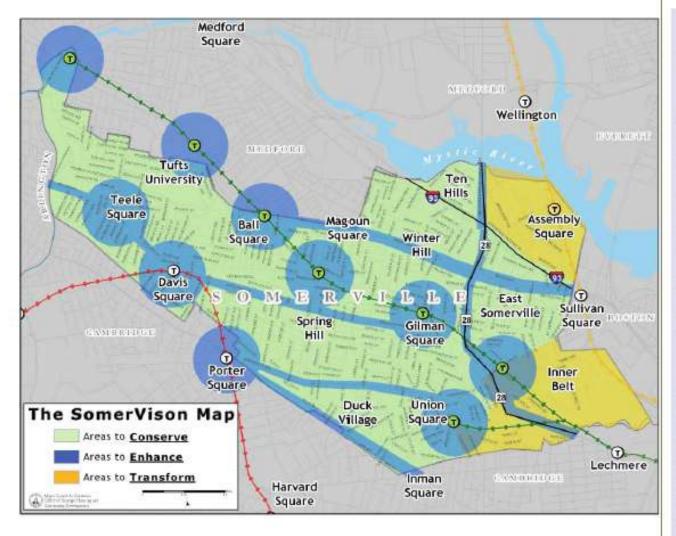


50% of New Trips via Transit, Bike, or Walking as part of an equitable plan for access and circulation to and through the City.



85% of New Development in Transformative Areas as part of a predictable land use plan that protects neighborhood character

Our Vision: The SomerVision Map



The SomerVision Map illustrates our Vision for the community to:

Conserve

our great residential neighborhoods

Enhance

our funky squares and commercial corridors

Transform

opportunity areas on the eastern and southern edges of Somerville.



Photo: Advette Melton

... But to we have the tools to make it happen?

Can a land use regulation system for Somerville:

- reflect what a Somerville wants, rather than just prohibit what we does not want?
- provide more direction for planning staff?
- reflect Somerville's community character?
- entitle the result we want from the SomerVision plan?



"If we know what the appliance is







"If we know what the appliance is

We need to find the plugs to connect it to the existing power grids."

Goals of the SomerVision Plan



- Board of Aldermen
- Zoning Board of Appeals
- Planning Board
- Conservation Commissions
- DPW
- Fire Department
- State Regulators
- Etc.

"If we know what the appliance is

We need to find the plugs to connect it to the existing power grids."

Goals of the SomerVision Plan

The

Somerville by Design

Code

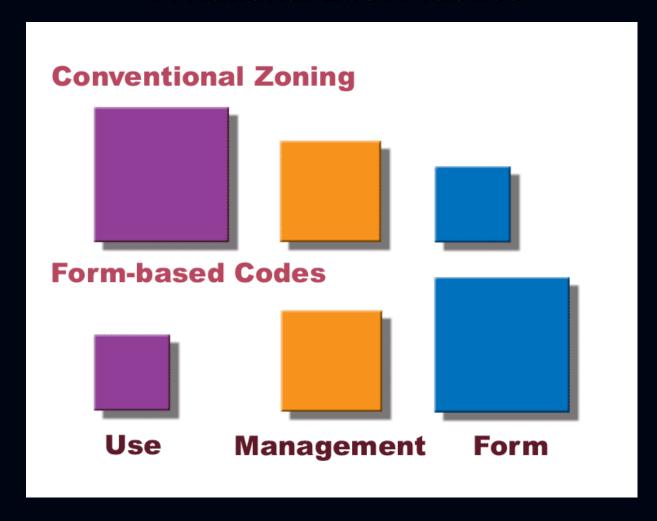
- Board of Aldermen
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- Etc.

"If we know what the appliance is

We need to find the plugs to connect it to the existing power grids."

The Form Based Code:

A National Best Practice



Somerville by Design:

Unique Solutions for Somerville



Somerville by Design: The Somerville Way

- Transparency in Government
- Best Practices: Setting and Using National Models
- Statistical Based Performance Management
- Nimble, Unique and Outstanding in the Boston area
- Innovation in everything we do

Somerville by Design: Four Challenges of the SZO

- 1. Code structure is unworkable:
 - Language is unreadable and subject to wide interpretation
 - Attempts to describe physical form through words
 - Answers to basic questions are scattered across sections
 - Additional districts are cobbled onto code structure
- 2. RA/RB Districts don't provide a predictable outcome:
 - Nonconformity is used as a proxy for design review
 - Large by-right lots have no design review
 - Wide ranges of possible outcomes by special permit
 - Larger infill projects are difficult to match neighborhood context
- 3. Transit station zoning is misapplied on the map
 - Innerbelt and Brickbottom are in industrial zones
 - Gilman, Magoun and Ball Square redevelopment is limited
 - Porter and Davis have select areas that are underzoned
 - New Union Square and Broadway zoning struggle from being attached to this document
- 4. Problems #2 and #3 cannot be fixed until we fix #1

Somerville by Design: Benefits of a new SZO

- Continues our tradition as a model for best practices in municipal government
- Enhances the customer service experience for applicants, landowners and abutters
- Implements over 100 recommendations of the SomerVision plan in a regulatory structure that will produce long-term impacts
- Provides predictable high quality physical outcomes
- Attract high quality developers and businesses to Somerville

Somerville by Design:

How Do We Get There?



Don't mess with what works

Somerville by Design: We do NOT intend to change

- ASMD
- Tufts
- Current approved PUDs

Somerville by Design: We do NOT intend to change

- Language, definitions and strategies that work
- Planning Board and ZBA roles and responsibilities
- General procedures for project review

- Tufts
- Current approved PUDs

Somerville by Design: We anticipate MINIMAL change

- New zoning districts: CCDs, TODs
- Inclusionary zoning (outside of the RA/RB areas)
- Linkage

Somerville by Design: We MAY NOT immediately address

- Neighborhoods squares that don't have new physical design plans:
 - Davis Square
 - Teele Square
 - Porter Square
 - Boundary lines where a planning process has not told us to change them (i.e. residential lots will stay in the residential zone, for now)



Create a Unified Neighborhood Residential District

AND

A Pattern Book of Somerville Homes

Somerville by Design: The RA / RB report

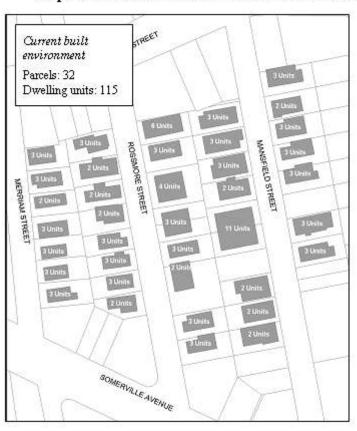
- Identifies challenges of using non-conformity for design review
 - Wide variety of possible outcomes
 - Odd divisions between by-right, SP and Variance
 - Encourages use of SP for affordable housing but context is lost
- Identifies basis of non-conformities (lot size, setback, coverage, height)
- Establishes:
 - That there is no real difference between RA and RB
 - That FAR is not an effective measure in a neighborhood district
- Introduces the concept of Somerville building types
- Recommends:
 - Single zone
 - Building-type based code (no need for FAR)
 - Design review strategy
 - Pattern book
 - Neighborhood conservation districts, where appropriate
 - Encouraging more affordable housing and development by transit

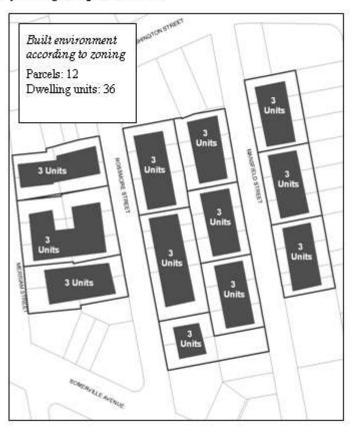


Regulate by "Building Type"

Zoning tools in Somerville, MA

Comparison of Current Built Environment to Result Mandated by Zoning: Sample RB District





A conforming house:



A non-conforming house:



Livermore Development Code

5.01.070 Building Types

5.01.070 Duplex, Stacked

General Nate: the drawings and photos below are illustrative.





The entry to the right opens to a stair leading to the upper unit, which takes up the entire upper floor. The door to the left opens directly into the lower unit, which takes up the entire lower floor.

A. Description

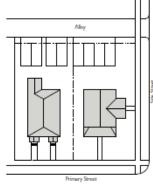
This Duplex building type consists of structures that contain two units, one on top of the other. This building type has the appearance of a medium to large single-family home. This type is typically integrated spannigly into single-family neighborhoods or more consistently into neighborhoods with other medium-density types such as bungalow courts, burplexes, or courtyard apartments. This building type enables the incorporation of high-quality, well-designed density within a walkable neighborhood.

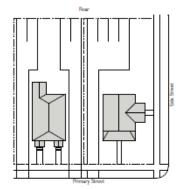
This is the preferred type of duplex on 50° wide lots in Livermore neighborhoods not zoned for single-family because it is capable of accommodating two units in a smaller footprint, thus maximizing compatibility in size and privacy to the rear of adjacent units.



The scale of this duplex makes it compatible with adjacent single-family homes.

Building Types 5.01.070





Typical Alley Loaded Plan Diagram

Typical Front Loaded Plan Diagram

Key	1				
		_		-	

---ROW / Property Line Building Area

B. LOC	
Lot Size	
Width	50' min., 75' max.
Depth	100' min., 150' max.
C. Pedestrian Access	
Main Entrance Location	Primary street
On corner lots each unit sha	ll front a different street.
D. Frontages	
Allowed Frontages	
Porch	
Stoop	
E.Vehicle Access and Parl	king
Parking spaces may be endos	sed, covered, or open.

F. Open Space, Usable	
Width	15'/unit min.
Depth	15/unit min.
Open Space Area	300 sf min.
Required street setbacks:	and driveways shall not be

Required street setbacks and driveways shall not included in the open space area calculation.

G. Building Size and Massing	
Main Body	
Width	36' max.
Secondary Wing	
Width	24' max.
Detached Garage	
Width	36' max.
Depth	25' max.
TERMS IN	

Both units shall have entries facing the street no more than 10' behind, the front façade.

5-12 Livermore Development Code Livermore Development Code

Livermore Development Code

5.01.110 Building Types

5.01.110 Courtyard Apartment

General Note: the drawings and photos below are flustrative.



A Description

The Courtyard Apartment building type consists of structures that contain multiple attached and stacked units, accessed from a courtyard or series of courtyards. Each unit may have its own individual entry, or up to three units may share a common entry. This type is typically integrated sparingly into single-family neighborhoods or more consistently into neighborhoods with other medium-density types such as duplexes, fourplexes, or courtyard apartments. This building type enables the incorporation of high-quality, well-designed density within a walkable neighborhood.



Cshoped courtyard building with short wall defining the threshold for the sidewalk into the courtyard, from which all units are entered.

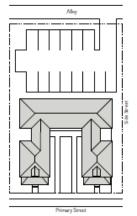


Entries from units engaging and activating the courtyard.



Courtyard building with stooped entries and seating area as the focal point for the shared space.

Building Types 5.01.110



Typical Alley Loaded Plan Diagram

Typical Front Loaded Plan Diagram

Key

--- ROW / Property Line Building Area

B. Lot	
Lot Size	
Width	100' min., 150' max.
Depth	100' min., 150' max.
C. Pedestrian Access	
Main Entrance Location	Public Courtyard

No more than 3 units may enter from one stoop or

-			••	
Ŀ	м.	(O)	16	<u> </u>

Allowed Frontages

Stoop

E. Vehicle Access and Parking

Parking spaces may be enclosed, covered or open. Garages may be detached or tuck-under. F. Open Space, Usable

Width/depth/height ratio 1:1
Width/depth 20' min.
% of width of building 50% max.

Edge of courtyard not defined by building shall be defined by 2'-6" to 3' tall wall.

No private open space is required.

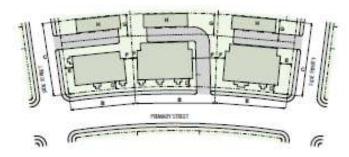
G. Building Size and Massing	
Main Body	
Width	90' max.
Secondary Wing	
Width	30' max.
Detached Garage	
Depth	30' max.

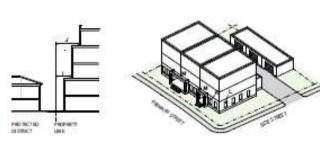
Livermore Development Code 5-21

E. Row House

North Scale, Market Ve Drie





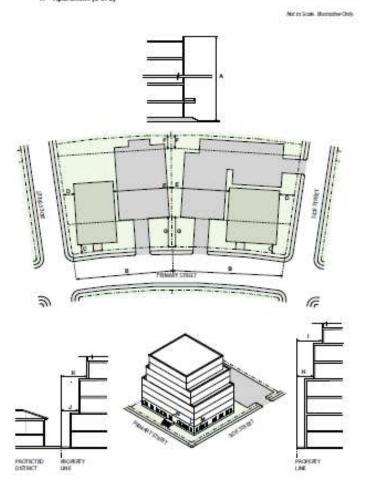


ROW HOUSE

4	HEIGHT	S-MX-2	5-800-3	S-MS-S	SMX-8	S-MX-12	S-445-3	S-MS-S
A	Stories (mex)	2	. 1	5.	5	5	3	5
4	Treet (min/max)	ma/35	rss/40*	na/70*	rui/70	ta/70*	na/40'	24710/
	SITING	5-MX-2s 5-MX-2	5-MX-3	S-MX-S	S-MX-0	S-MX-12	5-MS-3	5-M5-5
	ZONE LOT Use Restrictions	na.	· ma	nik	**	Yia.	huild-to ports least one pri	within require on must have a nary use, other og of writicles
	REQUIRED BUILD-TO		0.00	11000	Total Control		- NEW 9-07	
	Primary Street (min % within min/may)	10% 0/80	5/90	07/007	07/80	50% 0780	if Residential	10/5 Dely: 75%-0/10
0	Side Street (min % within min/most)	THE	78	ma.	78	-714		00/5/ Dely: 25% 0/10
	SETBACKS							
	Primary Street (min)	0"	0	0	.0	σ	0	.0
E.	Side Steen (min)	0.	10	0	0	Œ	D	0
F	Side Interfor (min)	D'	0"	0		σ	D	0
	Side Printlet, adjacent to Protested District (1984)	5-MOK-2bc 5"	10	10	10	101	ter	10
0	Stear (min)	0.	10	0	0	Œ	D	0
	Reat, adjacent to Protected District, alley/no alley (min)	ILUS.	0/10	0/10	0/10	197107	0/10	6710
	PARKING							
	Surface Parking between building and Primery Senset/Side Street		A	krwed/Allo	nwed			owed/Not Al- wed
	Surface Reising Screening			Se	e Article 10	Division 10.	5	
	Whicle Access		Smits	remails		Aley, or calley preser	nt See Sec 3,3.7.	
	ACCESSORY STRUCTURES		2012001					
H	Detailed Accessory Structures Allowed					mer Sec. 3.3.4		
		5-MX-21						
	DESIGN ELEMENTS: BUILDING CONFIGURATION	5-MX-2	5-MX-3	S-MILS	S-MIX-0	S-MX-12	5-MS-3	5-M5-5
	Primary Street-Facing Attached Garage Door Width (max per structum)	307	20	200*	207	201	30'	307
1	Upper Story Setback above 27, adjacent to Pro- tected District: Rear alley/Rear, to alley and Side Intentor (min)	na.	15/25	20725	20/25	207/25	15729	20/25
	Upper Story Setback above 51; adjacent to Pro- tected District: Rear alley/Reas, no alky and Side Interior (min)	THE	14	35740	35/40	35740	756	35/40
	GROUND STORY ACTIVATION		1000					-
ĸ	Transparency, Primary Street (min)	30%	30%	30%	30%	30%		ors. of Only: sors
L	Transparency, Side Street (min)	25%	25%	25%	25%	25%	25%	25%

S-MX-2x

F. Apartment (1 of 2)



APARTMENT (1 OF 2)

HEIGHT	5.MU.1	S-MU-S	S-MU-B	5-MIJ-12	5-MU-30
A Stories (max)	1	- 5	- 0	12	20
A Peat (max)	-90"	60	100	140	230
Feet, within 175 of Protected District (max)	Total	Title	75'	777	75

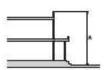
	SITING	5-MU-3	S-MU-S	S-MU-B	5-MU-12	S-MU-30
	ZONE LOT					
	Zone Lei Stat (min)	6,000 %	4,000 H	E,000 \$2	6,000 ft ²	6,000 ft ²
	Zonic Loi Wickfu Imini	507	507	.50	50	507
	Building Cowings per Zone Lot, including all accessory structures (mad)	tus	TN	THE	70%	30%
	Dwelling Units per Primary Residential Structure (min)	- 1	. 3	- 1	3	. 3
	REQUIRED BUILD-TO	-32.55	- 800-		200	225 mi
9	Primary Street (min's within min/max)	50%	50%	07/807	50%	50%
d	SETBACKS	307.85	14/35/15	10000	1000	1797
ò	Primary Sirvet (min)	10	10	32	107	10
þ	Side Street (min)	5	57	57	2	- 5
t	Side Interior (min)	7.57	7.5	7.5	7.5	7.5
	Side Interior adjacent to Protected District (min)	10"	30	107	10"	107
ŕ	Rear, alloy/no alloy (min)	10/20	10/20	10/20	107/307	10/20
	PARKING Surface Perking between building and Primary Street/Side Street		Al	lowed/Alk	rwed	
,	Surface Parking Serback (min)	-	- 1	en Sec. 3.5	75	
	Vehicle Access	Access determined at the Development Flan Review				

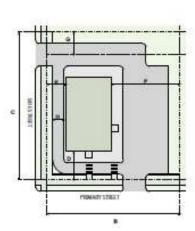
DESIGN ELEMENTS	5-MU-3	S-MU-S	S-MU-B	5-MU-13	5-MU-30
BUILDING CONFIGURATION					
Primary Street-Facing Attached Garage Door Width (max per structure)	30	30	30	207	707
M. Upper Story Sethack Above 40', Side Interior	THE .	35	Title	.58	risk .
Upper Story Sethack Above S1', Sele trriotor	THE	TO	- 35	100	15"
Upper Story Sethack Above 75, Reas, alkey, Reas, so alkey and Side Intentor	tus.	THE	30/30	20/30	20/30
Upper Story Sethack above 27, adjacent to Protected Charlet: Side Interior (min)	25	25	25'	27	757
Upper Story Setback Above 40; adjacent to Protected Olstrict: Reac allegino alley	tel	10/10	10/40	30/40	30/40
Upper Story Sethack above 57; adjacent to Protected Obstrict: Side Interior (min)	THE	40	40'	807	407
GROUND STORY ACTIVATION					
L. Transparency, Primary Street (min)	30%	30%	32%	30%	30%
M Transparency, Skile Street (min)	25%	25%	25%	25%	22%
N Pedestrian Access, Primary Street		Pede	notan Con	metlen	(25)

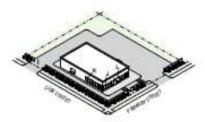
See Sections 3.2.5 - 3.2 for Supplemental Design Standards, Design Standard Albertatives and Design Standard Ecoptions

J. Drive Thru Restaurant (2 of 2)

Air in Scale Bustative Chile







DRIVE THRU RESTAURANT (1 OF 2)

HEIGHT	5-MX-2	5-00-3,-3s,-5,-5s 5-00-3,-5,-6,-12 5-00-3,-3
A Slotter (med)	2	
A Foot (maps)	357	45

	5-CC-3, -3x, -5, -5a 5-M6-2, 3, -5, -6, -12 3-M5-3, -3	
SITING	Option A	
USERESTRICTION	Easing/Orinking Edublishment Primary Use with Accessory Orive Thru Use Only	
REQUIRED BUILD-TO		
Priceup Street (min % within min/max)	Corner Lote: 50% 07/10* All other: 75% 075	
Side Street (min % within min/max)	50% (1/70)	
SETBACKS	ACDIAL -	
Primary Street (min)	9'	
Side Street (min)	0'	
Side imurker (min)	.0'	
Side Interior, adjacent to Protected District (min)	10"	
Rear (min)	0'	
Rest, adjacent to Protected District , alley/no alley (min)	0/10	
PARKING AND DRIVE THRU		
Surface Fielding between building and Frimary Street, Side Street	Not Allowed Not Allowed	
Surface Feeking Screening	See Article 10, Division 19,5	
Drive Thru Lane between building and Primary Street/Side Street	Not Allowed/Not Allowed	

	DESIGN ELEMENTS	S-MX-J	5-M3-3,-5,-6,-12 5-M3-3,-5
	BUILDING CONFIGURATION		56/3/ml =
	Upper Story Setback Above 27; edjacent to Protected District: Rese, alley/ Rear, no alley and Side Interior (min)	na	15/25
	GROUND STORY ACTIVATION		
#	Transparency, Primary Street (min)	40%	40% 5-MS: 60%
1	Trumsparency, Side Street (min)	35%	25%
a.	Pedestran Access, Primary or Side Street	Entrates	Entrança



Codify the
Somerville by
Design
Station Area Plans
into
Neighborhood
Square
Zones



OCTOBER

Visioning Session

NOVEMBER

28 & 29

Design Charrette

JANUARY

8

Plan Presentation





Create Solutions
For
Innerbelt and
Brickbottom
Based on the
Forthcoming
IB/BB Plan



Create

Use Clusters

and

Performance Standards for Individual Uses



Create a

Modern Sign Code



Create

Parking Regulations

for a

Transit-Based City

Somerville by Design: Parking Regulations

- Parking Variances Required For:
 - Transit-Oriented Projects
 - Restaurants in Davis Square
 - Establishing small street retail
 - Etc.



A
Readable
Document

Somerville by Design: Better Codes

- Examples Include:
 - Denver, CO
 - Livermore, CA
 - Lowell, MA
 - Jamestown, RI
 - Hamden, CT

- Codes in Progress:
 - Cincinnati, OH
 - Indianapolis, IN
 - Burlington, VT
 - Buffalo, NY

The Somerville by Design Code

- A realistic solution that preserves what works
- A new single neighborhood residential district with a Pattern Book of homes
- An organizing strategy around 'building types', using the best practices of Form-Based Codes
- A strategy to reflect the plans for enhancement of city squares
- A strategy to reflect the plan for growth and change in Innerbelt and Brickbottom
- A system of performance Based Zoning and Clusters for Uses
- A modern sign code
- A transit-centered parking code
- A customer-friendly document

